

REMARKS

Upon entry of the present amendment, claims 1-13 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. In this respect, newly added claims 11-13 find support in the original specification at page 9, lines 13-16 and page 13, lines 6-9.

Accordingly, entry of the present amendment is respectfully requested.

***Enclosed 37 CFR § 1.132 Declaration***

Enclosed herewith is a signed 37 CFR 1.132 declaration of one of the present coinventors, Mr. Kazuo Oki, wherein comparative testing has been carried out that is material to a consideration of the patentability of the present invention over the cited art. The Examiner is respectfully requested to review and consider the enclosed Declaration at this time. In particular, the Examiner's attention is directed to Table A of the declaration at page 9, thereof, and the results set forth for Zeolites of the present invention (Examples 1-3), and for Zeolites disclosed at page 24, lines 3-13 and table 2 WO 00/18872 (Reference Examples I-III).

The Examiner is also requested to review page 10 of the declaration, wherein Mr. Oki discusses the results set forth in Table A of the declaration.

**Claim Rejections Under 35 USC § 102**

Claims 1-10 have been rejected under 35 USC § 102(b) as being anticipated by each of the following references: Dorset et al. (US 5,756,445), Jolicoeur (US 5,178,798), Clayton et al. (US 5,009,804), Ahmed et al. (US 5,423,997), Steltenkamp et al. (US 4,715,862), Larson et al. (WO 00/18872, *see equivalent* US 6,468,957), and Murphy (US 4,379,080). Reconsideration and withdrawal of each of these rejections are respectfully requested based upon the following considerations.

In the outstanding Office Action, the USPTO asserts that the pending claims of the present application are too broad. However, Applicants note that the present invention is an invention sufficiently specified by a component (A), zeolite, as mentioned below.

As recited in claim 1, the component (A), zeolite, has "an average aggregate particle diameter of 15  $\mu$ m or less" and "a variation coefficient of a distribution of an aggregate particle diameter of 29% or less...."

In contrast, conventionally known zeolites have variation coefficients of a distribution of an aggregate particle diameter of 29.9 or more, so that no conventional zeolites have a variation coefficient of a distribution of an aggregate particle diameter of 29% or less as recited in the present claims (*also see page 4, lines 4-8 of the specification*).

In fact, in the cited references relied upon in the outstanding Office Action, the particle size distribution of zeolite and specific kinds of zeolites are not clearly disclosed in any of the cited references, except in Larson et al. (WO 00/18872).

Accordingly, enclosed herewith is a 37 CFR § 1.132 Declaration of Mr. Kazuo Oki, one of the present inventors, providing results for average aggregate particle diameter and variation coefficient of a distribution, as determined by the methods described in the present specification for the zeolite disclosed by Larson et al (WO 00/18872). The test results set forth in Table A of the declaration (see page 9) show that the zeolites disclosed in WO 00/18872 (Reference Examples I-III in Mr. Oki's Declaration) differ in average aggregate particle diameter and variation coefficient from the values/ranges recited in claim 1 of the present invention.

In addition, it is submitted that the importance of obtaining a zeolite having values/ranges specified in the present claims is sufficiently shown and evidenced by comparing test results provided in the present specification for each of Example 4 and Comparative Example 5 (see pages 40-44 of the specification).

#### CONCLUSION

Based upon the amendments and remarks presented herein, as well as the accompanying 37 CFR § 1.132 Declaration, the USPTO is

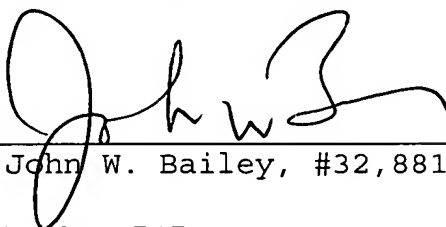
respectfully requested to reconsider each of the outstanding anticipation rejections, and to issue a Notice of Allowance clearly indicating that each of the pending claims 1-13 are allowable at present.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By   
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1422-0511P

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Attachment: Mr. Kazuo Oki 37 CFR § 1.132 Declaration